

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF PLANNING



**MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Jennifer Steingasser  
Deputy Director

**DATE:** December 9, 2008

**SUBJECT:** BZA Application 17856 - Request filed by Hunton & Williams LLP for **two special exceptions** and **one area variance** for the establishment of animal boarding and pet grooming uses, and a reduction in the number of off-street parking spaces at 4904 Wisconsin Avenue, N.W., for Happy Paws, LLC.

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**APPLICATION**

Application of Happy Paws, LLC for:

1. **A special exception pursuant to § 735 of Title 11 DCMR**, to establish an animal boarding use in the C-2-A district;
2. **A special exception pursuant to § 736 of Title 11 DCMR**, to establish a pet grooming use in the C-2-A district; and
3. **An area variance from the provisions of § 2100.1 of Title 11 DCMR** to reduce the number of required off-street parking spaces from 10 to 2

for a property located on the west side of Wisconsin Avenue, N.W., between Ellicott Street and Fessenden Street.

**SUMMARY RECOMMENDATION**

The Office of Planning recommends **APPROVAL** of the application.

**AREA DESCRIPTION**

<b>Square:</b>	1671	<b>Lot:</b>	28	<b>Quadrant:</b>	North West
<b>Area:</b>	3,125 SF	<b>Width:</b>	25 feet	<b>Zone:</b>	C-2-A
<b>Alley Width:</b>	15 feet	<b>Historic District:</b>	N/A		

**C-2-A District**

*“The C-2-A District is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core.”*  
(§ 720.2)

**Surrounding Properties:**

- North:** One and two-story commercial buildings within the C-2-A district.  
**South:** A gasoline service station within the C-2-A district.  
**East:** Across Wisconsin Avenue, two-story commercial buildings within the C-2-A district.  
**West:** Across the public alley, single-family detached dwellings within the R-1-B district.

The subject property is located approximately four blocks south of the Friendship Heights Metrorail and approximately four blocks north of the Tenleytown Metrorail station on the Red Line.

**PROJECT DESCRIPTION**

The applicant, Happy Paws, LLC, proposes to continue the use of the first and second floors of a commercial brick building for an animal boarding establishment, a dog grooming establishment and for the sale of pet supplies. A temporary Certificate of Occupancy, expiring in February 2009, was issued to the applicant pending a decision of the Board on the application.

Typically there would be 20 dogs at Happy Paws each day. Overnight boarding would range between seven and fifteen dogs, with more dogs typically boarded during holidays and fewer during the week. Services offered by the applicant would include dog walking at 6:00 AM and 7:00 PM, with one trainer per dog. Dogs would only be walked in front of commercial establishments and never along the residential portions of any streets. A dumpster for Happy Paws would be located at the rear of the property, adjacent to the alley. Happy Paws would have no off-street parking.

Within the facility each trainer would be limited to five dogs at a time. The floors would be covered with Tuflex, which would act as a sealant and help to control odors. Windows would be kept closed and the building is of brick construction. Pet supplies would be sold on the first floor at the front of the building. The dog grooming and animal boarding establishments would be located on the second floor. The basement and an attached two-car garage at the rear of the building would continue to be used by a cleaning company, a separate business.

Happy Paws would have 11 employees and all would commute to work by public transit. Parking on Wisconsin Avenue is limited to two hours at a time and is controlled by meters.

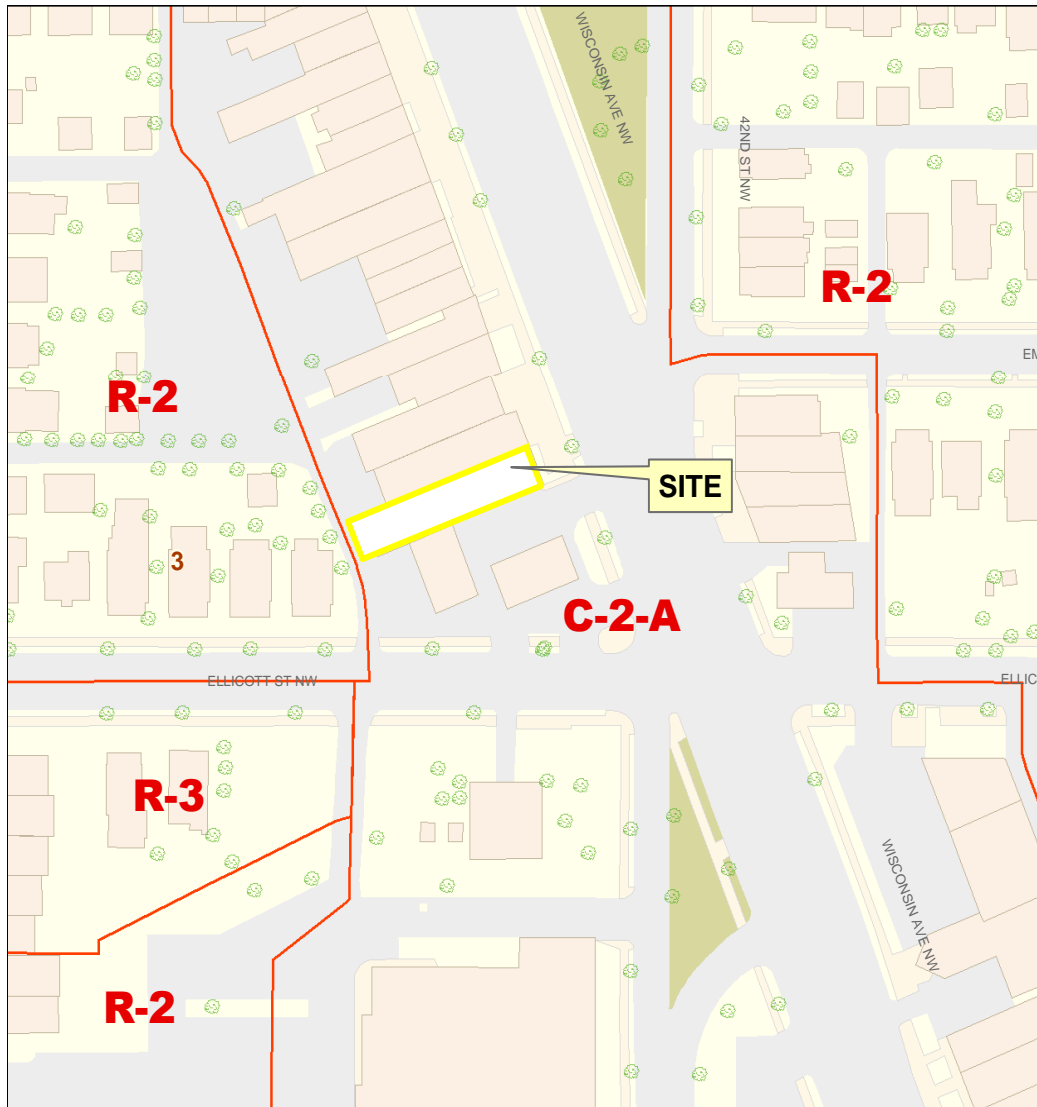
**RELIEF REQUESTED:**

**Special Exception pursuant to § 735 – Animal Boarding**

Section 735.1 of the Zoning Regulations permits “[a]n animal boarding use as a special exception if approved by the Board of Zoning Adjustment under § 3104,” subject to the following:

735.2 “The animal boarding use shall not abut a Residence Zone.”

The subject property is located across a public alley from a residence zone, and therefore does not abut a residence zone.



Zoning Vicinity Map

735.3 *“The animal boarding use shall take place entirely within an enclosed and soundproof building in such a way so as to produce no noise or odor objectionable to nearby properties. The windows and doors of the premises shall be kept closed and no animals shall be permitted in an external yard on the premises.*

The application indicates that the use would take place entirely within the existing enclosed brick building, and that all windows and doors would be kept closed. Therefore, no objectionable noise to nearby properties would result. No external yard is proposed. Odor would be controlled through the use of a sealant on the floor to prevent absorption of

animal wastes, the cleaning of the floors with bleach and cleaners, and daily filter changes of the ventilation system.

735.4 *“The animal boarding use shall place all animal waste in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal waste at least weekly. Odors shall be controlled by means of an air filtration system (for example, High Efficiency Particulate Air “HEPA” filtration) or an equivalently effective odor control system.”*

The application indicates that all animal waste would be mixed with litter for odor control and placed in plastic containers. Waste would be collected three times a week by Waste Management from a dumpster located at the rear of the building adjacent to the public alley. Odor from the building would be controlled through the use of an air filtration system, with daily filter changes, and the floors are sealed with Tuflex to prevent absorption of waste and cleaned regularly.

735.5 *“The Board may impose additional requirements pertaining to the location of buildings or other structures; entrances and exits; buffers, barriers, and fencing; soundproofing; odor control; waste storage and removal (including frequency); the species and/or number and/or breeds of animals; or other requirements, as the Board deems necessary to protect adjacent or nearby property.”*

The Office of Planning does not recommend any additional requirements.

The Office of Planning concludes that the subject application is in conformance with the provisions of § 735.

### **Special Exception pursuant to § 736 – Pet Grooming Establishment**

Section 736.1 of the Zoning Regulations permits “[a] pet grooming establishment may be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104,” subject to the following:

736.2 *“The pet grooming establishment shall be located and designed to create no objectionable condition to adjacent properties resulting from animal noise, odor, or waste.”*

As with the animal boarding use, the application indicates that the use would take place entirely within the existing enclosed brick building, and that all windows and doors would be kept closed. Therefore, no objectionable noise to nearby properties would result as the building is soundproof. No external yard is proposed. Odor would be controlled through the use of a sealant on the floor to prevent absorption of animal wastes, the regular cleaning of the floors, and daily filter changes of the ventilation system.

736.3 *“All animal waste shall be placed in closed waste disposal containers and shall utilize a qualified waste disposal company to collect and dispose of all animal*

*waste at least weekly. Odor shall be controlled by means of an air filtration system or an equivalently effective odor control system.”*

Similar to the animal boarding use, the application indicates that all animal waste would be mixed with litter for odor control and placed in plastic containers. Waste would be collected three times a week by Waste Management from a dumpster located at the rear of the building adjacent to the public alley.

736.4 *“The pet grooming establishment shall not abut an existing residential use or Residence District.”*

The subject property is located across a public alley from a residence zone, and therefore does not abut a residence zone.

736.5 *“External yards or other external facilities for the keeping of animals shall not be permitted.”*

The application proposes no external yards or other external facilities for the keeping of animals.

736.6 *“The sale of pet supplies is permitted as an accessory use.”*

The applicant proposes to sell pet supplies on the first floor of the building.

736.7 *“The Board may impose additional requirements as it deems necessary to protect nearby properties.”*

The Office of Planning does not recommend any additional requirements.

The Office of Planning concludes that the subject application is in conformance with the provisions of § 736.

### **Variance to § 2101.1 – Schedule of Requirements for Parking Spaces**

Section 2101.1 requires 12 off-street parking spaces for the two businesses, Happy Paws and Red Coats Cleaning, within this existing building. Two parking spaces are provided within the existing attached garage accessible from the alley and are included in the portion of the building leased to Red Coats. No off-street parking spaces would be available to Happy Paws and the application requests a variance to reduce the number of off-street parking spaces from 12 to 2 for this existing 1938 building.

The subject property is unique in that it was developed prior to the adoption of the Zoning Regulations in 1958 and has a lot occupancy of 94 percent. This uniqueness results in peculiar and exceptional practical difficulties to the applicant as no additional parking on the site would be possible without the removal of a portion of the building. The granting of this variance will not substantially impair the intent, purpose and integrity of the zone plan as it will allow for the

continued use of this pre-1958 commercial building that is located only four blocks from both the Friendship Heights and the Tenleytown Metrorail stations.

It is the Office of Planning's conclusion that the applicant has satisfactorily met the criteria for the granting of a variance and that in granting the relief, the intent and purpose of the chapter "shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely."

### **COMMUNITY COMMENTS**

**ANC 3E**, at their regularly scheduled meeting of October 16, 2008, voted not to oppose the application.

A petition with 96 signatures was submitted to the record in support of the application.

### **RECOMMENDATION**

The Office of Planning has reviewed the application in terms of the property's zoning, the intensity of use, the character of the neighborhood and the special exception and area variance standards. The Office of Planning concludes that the requested special exceptions to establish an animal boarding use and a pet grooming use are in conformance with the provisions of Sections 735 and 736. The request to reduce the off-street parking requirements is consistent with Zoning Regulation provisions for the granting a variance. Therefore, the application can be granted "without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map."

Therefore, the Office of Planning recommends the Board **APPROVE** the request for:

1. **Special Exception pursuant to § 735 of Title 11 DCMR**, to permit the establishment of an animal boarding use;
2. **Special Exception pursuant to § 736 of Title 11 DCMR**, to permit the establishment of a dog grooming use; and
3. **Area variance to § 2101** to reduce the number of off-street parking spaces from 12 to 2.